

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**CECIL PROCTOR,**

**Plaintiff,**

**v.**

**SMITH COUNTY, TEXAS,**

**Defendant.**

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**CIVIL ACTION NO. 6:11cv74**

**PLAINTIFF'S UNOPPOSED MOTION TO DISMISS WITH PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff Cecil Proctor and files this his Unopposed Motion to Dismiss With Prejudice and, in support thereof, would respectfully show unto the Court as follows:

Plaintiff desires full and final dismissal of the present litigation, and asks that the Court dismiss the present litigation with prejudice to refiling, with each party to bear their own costs and attorneys' fees.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the Court dismiss the present action with prejudice to refiling, with each party to bear their own costs and attorneys' fees.

Respectfully submitted,

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/s/ Alex A. Castetter

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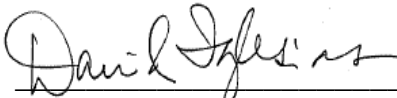
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**


I hereby certify that the above and foregoing instrument was served upon all counsel of record in the above entitled and numbered cause on October 17, 2012, in the following manner:

  X   Via ECF

  
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**DAVID IGLESIAS**

**CERTIFICATE OF CONFERENCE**

David Iglesias, counsel for Defendant, and Alex Castetter, counsel for Plaintiff, have conferred regarding this Motion and it is unopposed.

  
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**DAVID IGLESIAS**